

Specifically, the Examiner has failed to address the *fundamental claimed feature* that distinguishes the claimed subject matter over the hypothetical combination, namely that the hypothetical combination of Bates, Fuller and Kruesi store data on a single disc, i.e., at the same storage location, whereas each of the independent claims 1, 12, 19 and 30 explicitly specify a server (1) attempting retrieval of a subscriber announcement *stored in a messaging server*, (2) determining an inaccessibility of the subscriber announcement for the messaging session from the messaging server, and retrieving *from a directory server* an audible subscriber identifier that is stored in the directory server for use during the messaging session as an alternate subscriber announcement.

As demonstrated below, the rejection fails to establish a *prima facie* case of obviousness because the hypothetical combination of Bates, Fuller and Kruesi teaches no more than storage of data on a single disc, and neither discloses nor suggests storing the subscriber announcement and the audible subscriber identifier on *distinct devices* (the messaging server and directory server), as claimed.

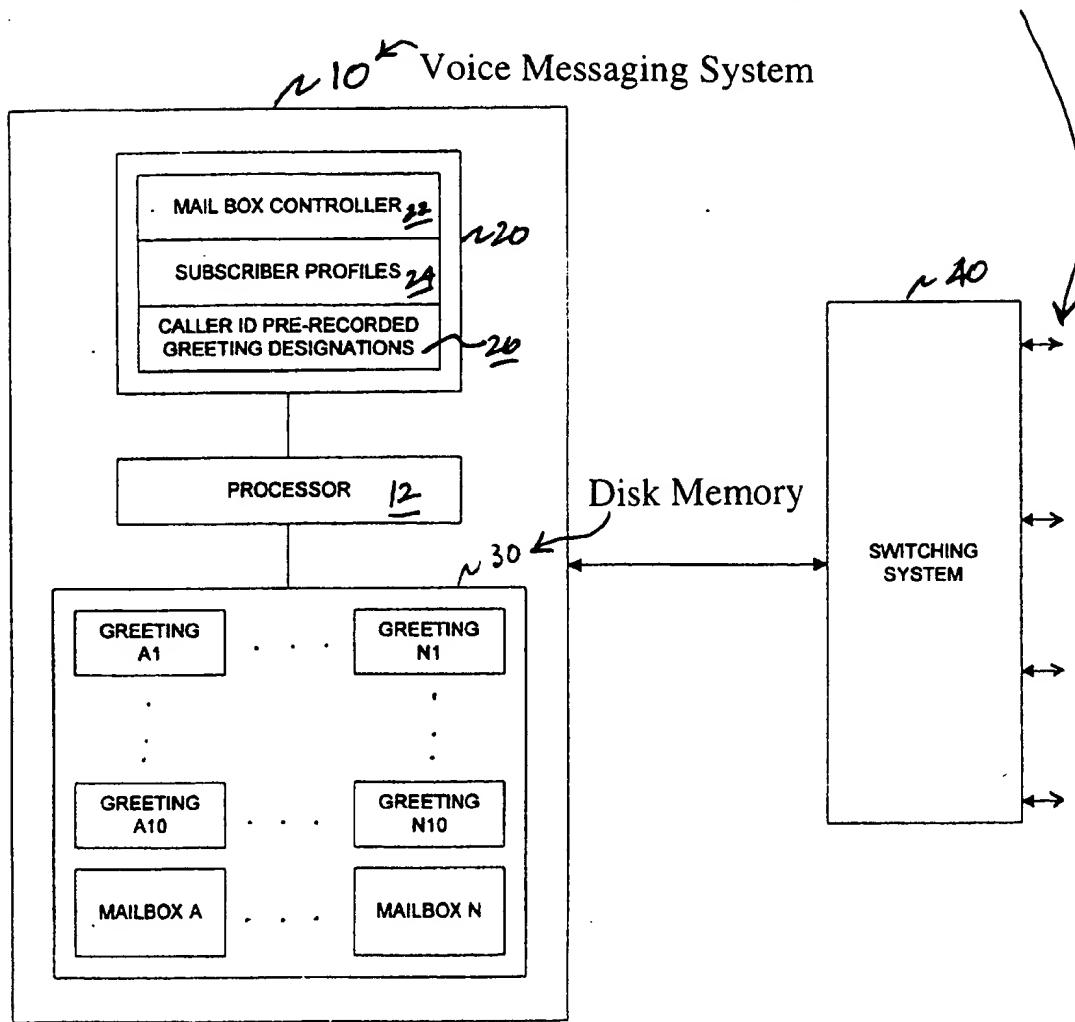
A review of each reference in its entirety demonstrates that the hypothetical combination consistently teaches storing all subscriber announcements on a single disc, and not on distinct devices, as claimed.¹

Bates et al

Bates teaches a single voice messaging system (VMS) 10 having a processor 12, a nonvolatile memory 20 (storing subscriber profiles 24), and a disk memory 30 that stores all greeting announcements for a given subscriber (see col. 4, lines 12-30; Col. 4, line 66 to col. 5, line 1). For convenience an annotated version of Figure 1 of Bates is reproduced below as Figure A.

¹“A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. MPEP §2141.02, page 2100-132 (Rev. 3, Aug. 2005) (*citing W.L. Gore & Assoc. v. Garlock, Inc.*, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984))(emphasis in original).

Figure A: Bates Fig. 1 (switching terminals omitted)



Hence, Bates et al. teaches that a single VMS 10 stores all necessary components (including subscriber profiles 24 and greetings A1-A10), where all announcements are stored in the disk memory 30 within the single VMS 10. Bates et al. provides a list of greeting announcements (see, e.g., Table 1 in col. 4) that can be used based on an association between caller ID data of an incoming call with one of the greeting announcements.

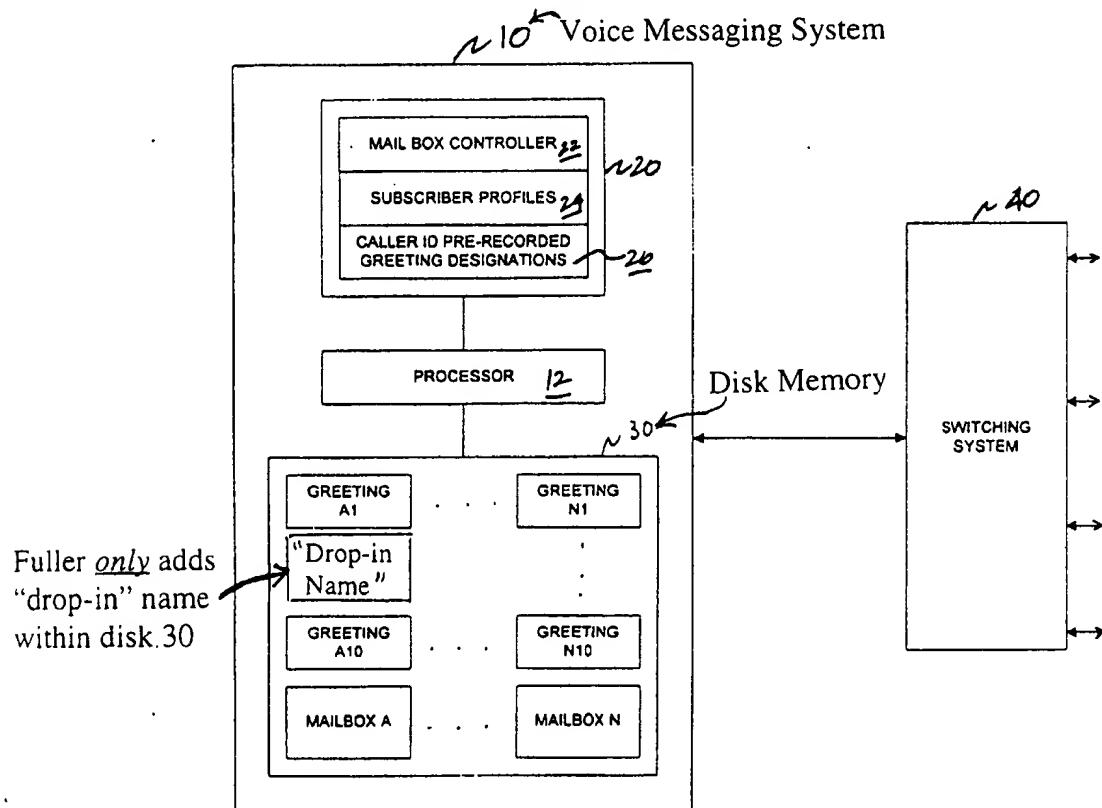
Bates et al. also teaches that a default greeting (Announcement number "5") is used for any instance where a positive association to one of the context-specific greetings *has not been*

established (see, e.g., Table 1 and column 4, lines 53-55: "Announcement number "5" refers to a standard greeting announcement that is a default for unknown caller Ids.").

Fuller

As described below, Fuller teaches that all data is stored on a single disk; hence, assuming one having ordinary skill in the art would have been motivated to modify Bates using Fuller as asserted, the resulting hypothetical modification would still disclose no more than the "drop-in" greeting of Fuller being stored within the same disk 30 of Bates as the remaining subscriber announcements.

Figure B: Bates modified by Fuller



Fuller teaches that a single disc 505 (Figure 5) within the call processing facility 100 stores all call processing programs and data, including all software programs and data to be used by the call processing facility 100 (col. 18, lines 52-56), the subscriber master records 700 of Figure 7 (column 19, line 62 to column 20, line 2; step 902 of Figure 9, column 21, line 67 to column 22, line 2), the personalized greeting (step 1246 of Figure 12b, column 26, lines 6-12), and the "drop-in" name (step one 1241 of Figure 12b, column 25, line 63 to column 26, line 2).

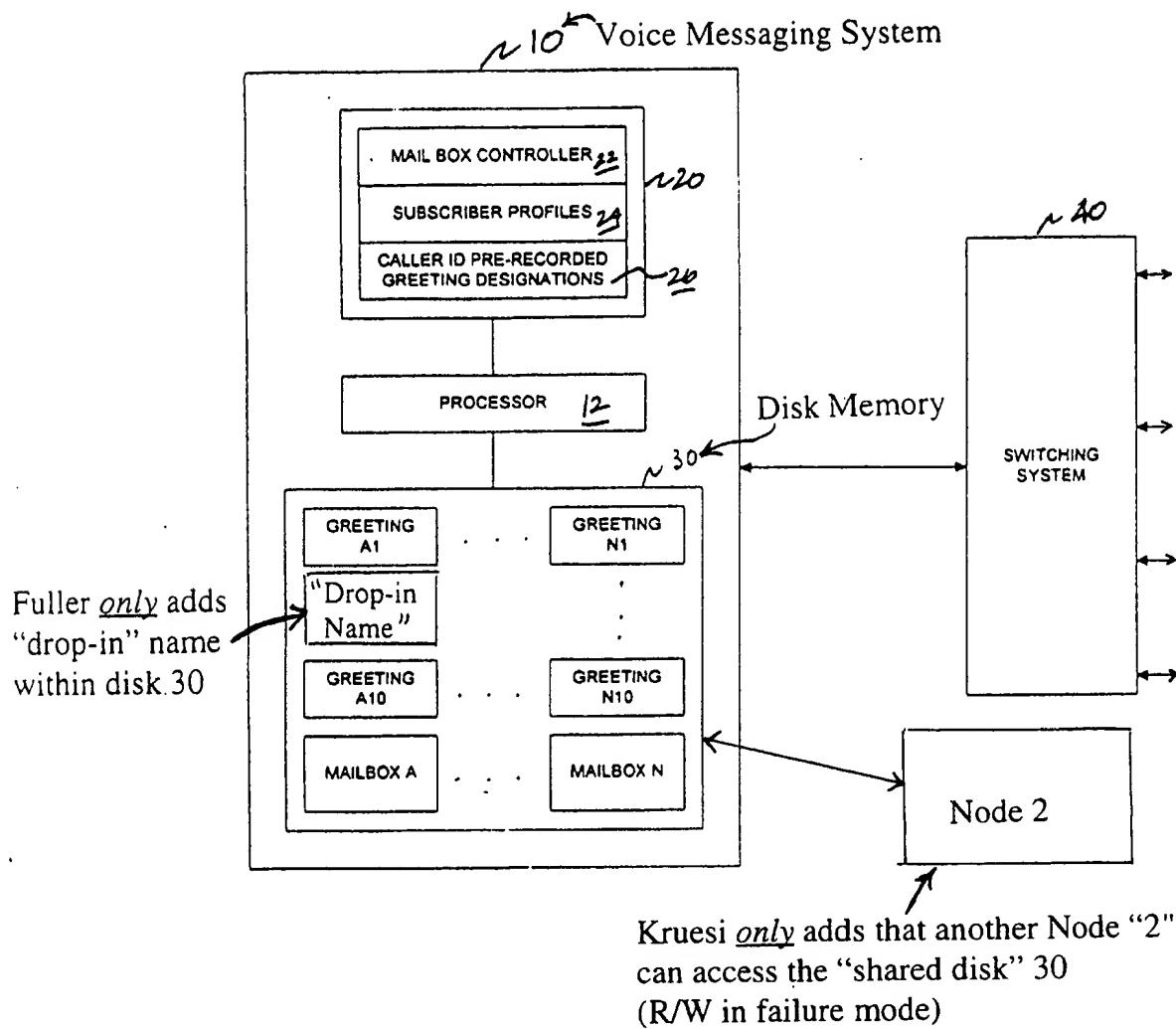
Hence, both Bates and Fuller teach that all data be stored on the same disc, resulting in the modification illustrated above in Figure B.

Kruesi et al

The Examiner fails to dispute Applicant's assertions as to the teachings Kruesi et al. as argued on page 9 of the Response After Final filed September 18, 2006 and on pages 11-12 of the Amendment filed May 8, 2006 , and as such concedes that Kruesi et al. uses different servers to access the same data from the same storage location by asserting in para. 16 on page 5 of the Final Action that "Kruesi's system clearly determines an inaccessibility of a voice file at a certain node."

Kruesi et al. assumes that the voice file 1 is always accessible, and focuses on system availability of a server by granting Node 2 read/write access based on the failure of Node 1 to read voice file 1 (see, e.g., col. 3, lines 1-12 and col. 9, line 52 to col. 10, line 6). Hence, assuming one having ordinary skill in the art would have been motivated to modify Bates and Fuller as asserted with Kruesi et al as asserted, the resulting hypothetical modification would still disclose no more than all greetings stored within the same disk 30 of Bates: Kruesi et al. simply would permit another Node 2 to access the files stored on the single disk 30, as illustrated in Figure C below.

Figure C: Bates modified by Fuller and Kruesi



Hence, the hypothetical combination of Bates, Fuller and Kruesi teach that all subscriber data (including subscriber announcements) are stored on a single disk.

As apparent from the foregoing, the hypothetical combination neither discloses nor suggests the claimed server (e.g., 14 of Fig. 1 of subject application) attempting retrieval of a subscriber announcement (e.g., 20 of Fig. 1) **from a messaging server** (e.g., 16 of Fig. 1), and in response to a determined inaccessibility of the subscriber announcement from the messaging

server, retrieving ***from the directory server*** (e.g., 22 of Fig. 1) an audible subscriber identifier (26 of Fig. 1) that is played as part of an alternate subscriber announcement.

Hence, the Examiner has failed to address *the fundamental claimed feature* that the subscriber announcement and the audible subscriber identifier are stored on ***distinct devices***, namely the messaging server (storing the subscriber announcement) and the directory server (storing the audible subscriber identifier). Consequently, the rejection fails to establish that the hypothetical combination teaches **each and every claim limitation**, as required under §103.

For these and other reasons, the §103 rejection should be withdrawn.

Conclusion

In view of the above, it is believed this application is in condition for allowance, and such a Notice is respectfully solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-461, and please credit any excess fees to such deposit account.

Respectfully submitted,



Leon R. Turkevich
Registration No. 34,035

Customer No. 23164

Response After Final filed October 18, 2006

Appln. No. 09/820,884

Page 7